

REMARKS

Claims 12-22 were pending. Claims 12-13, 18, and 22 have been canceled. Claim 14 has been amended to include the subject matter of claim 18. Consideration of the present amendment is respectfully requested as the amendment does not add any new issues or claims requiring further consideration.

Claims 12-17 and 22 were rejected as anticipated by BOUCHER 3,175,299. Claims 18-21 were rejected as unpatentable over BOUCHER in view of SETZER et al. 6,444,181. Reconsideration and withdrawal of the rejection of claims 14-17 and 19-21 are respectfully requested.

Amended claim 14 provides that the duration of the sound is 1 to 10 seconds.

It is not believed that one of skill in the art would combine BOUCHER and SETZER et al. because the use of intermittent sound would make the device in BOUCHER unfit for its intended purpose. BOUCHER creates a standing wave that helps dry the sugar crystals (column 2, line 66 through column 3, line 10). The standing wave is created by constant sound. The Official Action incorrectly indicates that the duration of the sound is not disclosed in BOUCHER. The examples in BOUCHER indicate that the sound is ON during the entire drying process (see column 4, lines 34-45 and lines 61-71). The artisan would not modify the device in BOUCHER to include intermittent sound (SETZER et al. disclose periodic ultrasonic cleaning at column 2, line 37)

because the standing wave would disappear or be intermittent and the device would not operate as intended by BOUCHER.

Further, neither BOUCHER nor SETZER et al. discloses or suggests the 1 to 10 second duration of the sound claimed in amended claim 14. One of skill in the art would not see the claimed time as obvious because the ultrasonic cleaning in SETZER et al. is applied from outside the chamber by sonotrodes 3, whose influence differs from that of the sound generated inside the chamber. Among other differences, the sound generated by the exterior sonotrodes 3 would be only a few decibels, not the 100 decibels generated inside the chamber as claimed. There is no indication how the time necessary for ultrasonic cleaning applied from outside the chamber would be modified for at least 100 dB of sound generated inside the chamber.

In addition, the chamber 10 in BOUCHER rotates and there is no suggestion that the sugar in the chamber would stick to the chamber walls. Indeed, the rotation of the chamber would prevent formation of agglomerates on the walls and the method of SETZER et al. would have no effect. One of skill in the art would not take useless steps. The only place in the device in BOUCHER where agglomeration may be a problem is in the upper storage container 4, and BOUCHER does not disclose or suggest any process for preventing or removing an agglomeration there.

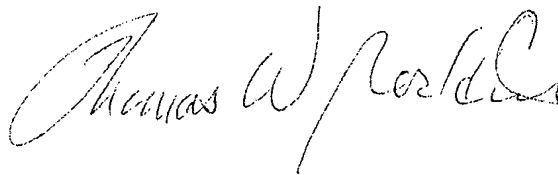
Accordingly, the amended claims avoid the rejections under §102 and 103.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Thomas W. Perkins".

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